

**RESOLUTION
OF THE WEST ORANGE TOWNSHIP ABC BOARD**

**RESOLUTION ISSUING A NEW HOTEL ("36") LIQUOR LICENSE PURSUANT TO
N.J.S.A. 33:1-12.20 FOR CAMBRIA SUITES HOTEL, 12 ROONEY CIRCLE, TO BE
OPERATED BY SUN DEVELOPMENT & MANAGEMENT CORPORATION,
LICENSEE, LICENSE No. 0722-36-075-001**

WHEREAS, at its meeting on August 7, 2018, immediately following the regular meeting of the West Orange Township Council that evening, the West Orange Township ABC Board adopted Resolution #608-18, indicating its intent to issue pursuant to the "Public Sale Option" a New Hotel ("36") Liquor License pursuant to N.J.S.A. 33:1-12.20, for the new Cambria Suites Hotel located at 12 Rooney Circle, West Orange, NJ; and

WHEREAS, that same Resolution provided for a minimum bid of \$50,000 and set forth in detail the advertising and bidding procedures to be followed pursuant to law; and

WHEREAS, those advertising and bidding procedures were strictly followed and resulted in the receipt of a single bid in the amount of \$50,000 from the Sun Development & Management Corporation (Sun Development), with a principal address at 5701 Progress Road, Indianapolis, Indiana 46241-4334, that entity to be the operator of the Cambria Suites Hotel and the licensed premises to be located in that Hotel; and

WHEREAS, Sun Development also submitted separately from its bid the required Certification as to its meeting the qualifications for a New Hotel ABC License and its 12-page Application for such license; and

WHEREAS, Sun Development appeared to meet all the qualifications set forth in Resolution #608-18, and in the applicable New Jersey statutes and regulations to be a Licensee for the proposed Licensed premises at the Cambria Suites Hotel at 12 Rooney Circle, West Orange, NJ; and

WHEREAS, the West Orange ABC Board at its regular meeting on October 30, 2018, adopted ABC Resolution #613-18, accepting Sun Development's bid and awarding the New Hotel License to Sun Development subject to and contingent upon the usual ABC investigation by the West Orange Police Department resulting in satisfactory findings as to the prospective Licensee's qualifications, to the Township's receipt of the applicant's check for the bid amount and to the statutorily required Special Condition; and

WHEREAS, the usual ABC investigation of Sun Development by the West Orange Police Department has been completed except for New Jersey State Police confirmation that Sun Development's shareholders' fingerprint submissions demonstrate no prior criminal record, the fingerprints having been submitted to the State Police Criminal Information Division in mid-January, but returned by mail on January 28, 2019, due to a missing two-digit contributor's case number which number upon postal receipt by the West Orange Police Department will be added

and the fingerprints resubmitted for review by the New Jersey State Police; and

WHEREAS, Sun Development having been found by the West Orange Police Department's investigation in all other respects to in fact be qualified for issuance of a New Hotel ("36") Liquor License, there being no impediments or objections to such issuance, and the bid amount of \$50,000 having been received by the Township of West Orange and being held in escrow pending the adoption of this Resolution issuing the New Hotel ("36") Liquor License to Sun Development; and

WHEREAS, Sun Development's shareholders have submitted Affidavits of Qualification for Ownership Interest in or Association with a New Jersey Alcoholic Beverage License or Permit, each swearing under oath and penalty of perjury that they meet all New Jersey mandated qualifications for issuance of a Liquor License, including, but not limited to having no record of conviction for a crime of moral turpitude, and acknowledging that if found to be disqualified, each must divest himself or herself of any interest in or association with the Liquor License within a time frame specified by the Director of Alcoholic Beverage Control; and

WHEREAS, the West Orange Police Department's investigation has also found that Sun Development's shareholders currently have an interest in and hold three other New Jersey Liquor Licenses and have had such interests for more than the past five years, indicating that past investigations of them have failed to disclose any convictions for crimes of moral turpitude; and

WHEREAS, in the event any of the Sun Development shareholders is found to have a record of conviction for a crime of moral turpitude, the West Orange ABC Board shall require immediate divestment of any interest in or association with the Liquor License; and

WHEREAS, Counsel for Sun Development has advised that Sun Development will be subject to a penalty of \$1.5 million by its franchisor, Choice Hotels, in the event its new Cambria Suites Hotel in West Orange is not open for business, including both its hotel facility and its bar and restaurant operation therein, before the end of this month, January 31, 2019;

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, SITTING IN ITS CAPACITY AS THE WEST ORANGE TOWNSHIP ABC BOARD, that the Sun Development & Management Corporation (Sun Development), with a principal address at 5701 Progress Road, Indianapolis, Indiana 46241-4334, being the only bid received and in the required minimum amount as a result of the Public Sale Option authorized for issuance of the New Hotel ("36") Liquor License for the new Cambria Suites Hotel located at 12 Rooney Circle, West Orange, NJ, the Licensed Premises to be known as "The Local Kitchen & Tap", to be located and operated in that Hotel, and the \$50,000 bid amount having been received by the Township of West Orange, and Sun Development having been investigated by the West Orange Police Department in its normal ABC inspection process, and having been found to meet all of the qualifications for issuance of the License they applied for except for fingerprint confirmation by the New Jersey State Police that the shareholders are free of any criminal conviction for a crime of moral turpitude, but the Township having no good faith basis to believe or suspect grounds for disqualification, having confirmed that the Sun Development shareholders are currently New Jersey ABC Licensees in

three other locations, and having a good faith basis to believe that Sun Development will incur a severe financial penalty imposed by its franchisor, Choice Hotels, in excess of \$1 million, if unable to open its new Cambria Suites Hotel facility, including its bar and restaurant operations, before the end of January, 2019, under all of those circumstances and in good faith, the Township of West Orange hereby issues a New Hotel (“36”) Liquor License to Sun Development to be activated immediately upon all required Health and Building Department inspections being completed and the requisite certifications issued to the Licensee for operation of “The Local Kitchen & Tap” in the Cambria Suites Hotel at 12 Rooney Circle, West Orange, NJ; and

IT IS FURTHER RESOLVED, that the following Special Condition be and hereby is imposed on this New Hotel License:

1. The License is issued as a hotel exception license for a facility containing 100 or more sleeping rooms and may only be used in connection with a hotel or motel meeting those minimum requirements.

Karen J. Carnevale, R.M.C.
Municipal Clerk/ABC Board Secretary

Jerry Guarino
Council President and ABC Board Chair

Adopted by Electronic Vote: January 29, 2019
Ratified on February 19, 2019